761551N25A - SH-AD-32A (2/72)

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

A Tradition of Service

DATE: January 26, 2009

OFFICE CORRESPONDENCE FILE NO. FO2207442

FROM: ERIC B. SMITH, COMMANDER
LEADERSHIP AND TRAINING DIVISION

TO: KARYN MANNIS, CAPTAIN
INTERNAL AFFAIRS BUREAU

SUBJECT: **EXECUTIVE FORCE REVIEW COMMITTEE DISPOSITION:**
DEPUTY ERIC ESPINOZA #[redacted]
DEPUTY JERMAINE JACKSON #[redacted]
TWIN TOWERS CORRECTIONAL FACILITY

On October 25, 2007, Inmate Keith Curtis kicked several deputies. Deputies Eric Espinoza and Jermaine Jackson forced Inmate Curtis to the floor. During the struggle, Inmate Curtis struck his face against a desk. Inmate Curtis sustained a nasal fracture, a fracture to the peri orbit of his left eye and his left cheek.

Deputies made a psychiatric referral to the mental health staff, after Inmate Curtis was disruptive and confrontational. Inmate Curtis' behavior was described as crying, confused, with continuous and rambling speech. Mental health staff authorized Inmate Curtis' transfer from Module 142 to Module 172 for acute mental observation in an isolated single-man cell.

Deputies Eric Espinoza, Jermaine Jackson, and Bensobhi Ben-Sahile escorted Inmate Curtis to his newly assigned cell, A-16. Inmate Curtis was escorted in handcuffs, with his hands behind his back. Prior to opening the cell door, deputies told Inmate Curtis to enter the cell and kneel. The deputies planned on exiting the cell and removing Inmate Curtis' handcuffs through the slot on the cell door.

Deputy Espinoza repeated his earlier orders, telling Inmate Curtis to kneel on the floor. Inmate Curtis suddenly turned and faced the deputies. Inmate Curtis kicked Deputies Espinoza and Jackson on their thighs.

The deputies grabbed Inmate Curtis and turned him away from them. Inmate Curtis continued struggling and kicking, as he tried striking Deputies Espinoza and Jackson with his elbows. In order to control Inmate Curtis, Deputies Espinoza and Jackson forced Inmate Curtis to the floor. Inmate Curtis struck his face against the metal desk attached to the cell wall.

Inmate Curtis sustained a superficial cut to his right forehead, a laceration to his lower lip, a contusion to his left eyebrow, a nasal fracture and a fracture to the left

peri orbital and left zygomatic. Inmate Curtis complained of pain to his right cheek and left arm. Inmate Curtis was treated at Los Angeles County Medical Center for additional observation and treatment.

Deputies Espinoza and Jackson did not sustain any noticeable injuries. Deputy Ben-Sahile did not use any force in the incident and due to the close quarters, remained outside of the cell.

On January 22, 2009, the Executive Force Review Committee convened and conducted a review regarding the facts of this case. The applicable policies that were evaluated by the committee were: MMP §§ 3-01/025.00, Use of Force; 3-01/025.10, Unreasonable Force; and 3-01/050.10, Performance to Standards.

Concerning:

MMP § 3-01/025.00, Use of Force, and MMP § 3-01/025.10, Unreasonable Force, the Committee determined that the force used by Deputy Eric Espinoza #[redacted] was reasonable and necessary and in compliance with Department policy.

MMP § 3-01/025.00, Use of Force, and MMP § 3-01/025.10, Unreasonable Force, the Committee determined that the force used by Deputy Jermaine Jackson #[redacted] was reasonable and necessary and in compliance with Department policy.

MMP § 3-01/050.10, Performance to Standards, the Committee determined that the tactics employed by all personnel in this incident were within Department Policy.

Eric B. Smith, Commander

EBS:YLW:yw

Table of Contents

Los Angeles County Sheriff's Department

Supervisor's Report on Use of Force

Incident Information

URN: 507-01339-5800-505 | Date: 10/25/07 | Time: 1220

Location: 450 Bauchet Street | City or Station: Los Angeles

Bureau/Station/Facility: Twin Towers Correctional Facility | Admin. Investigation: YES ☐ NO ☒

Type of Force: Significant Force- Head Injury

Deputy Injury: YES ☐ NO ☒

IAB Notified: YES ☒ NO ☐ Person Notified: Sgt. John W. Harris Emp # [redacted]

Suspect Injury: YES ☒ NO ☐ Fractured Nose/Fractured Cheek IAB Roll Out: YES ☒ NO ☐

Involved Employee

E1

Employee # [redacted] | Last Name: Espinoza | First Name: Eric | Middle Name:

Sex: ☒ Male ☐ Female | Race: H | Unit of Assignment: Twin Towers Correctional Facility | Work Assignment (Unit #, Module, etc.): Module 142

Shift: ☐ EM ☒ Day ☐ PM | ☒ Regular Shift ☐ OT Shift ☐ Off Duty | Age [redacted] | Height: 509 | Weight: 172

Medical Exam / Treatment: ☐ Photos of Employee: ☐ N/A ☒ | Coroner Case # | Directed Force ☐

If Admitted, Name of Hospital: | Significant Force ☒

Statement: Force Memo, same file

Statement continue: ☐

E2

Employee # [redacted] | Last Name: Jackson | First Name: Jermaine | Middle Name: W.

Sex: ☒ Male ☐ Female | Race: B | Unit of Assignment: Twin Towers Correctional Facility | Work Assignment (Unit #, Module, etc.): 140 Title 15 Safety Deputy

Shift: ☐ EM ☒ Day ☐ PM | ☒ Regular Shift ☐ OT Shift ☐ Off Duty | Age [redacted] | Height: 603 | Weight: 235

Medical Exam / Treatment: ☐ Photos of Employee: ☐ N/A ☒ | Coroner Case # | Directed Force ☐

If Admitted, Name of Hospital: | Significant Force ☒

Statement: Force Memo, same file

Statement continue: ☐

On Duty Supervisor

Emp. #	Last Name	First Name	Middle Name	Rank	Present	Witness to Incident
[redacted]	Carey	Frank		Sgt.	YES ☒ NO ☐	YES ☐ NO ☒
					YES ☐ NO ☐	YES ☐ NO ☐

Watch Sergeant

Emp. #	Last Name	First Name	Middle Name
[redacted]	Rodriguez	Manuel	A.

Watch Commander

Emp. #	Last Name	First Name	Middle Name
[redacted]	Conner	Cynthia	L.

Conner, Cynthia L. — Watch Commander (Print Name) | [signature] Watch Commander's Signature | Emp #: [redacted] | Date: 12/5/08

Carey, Frank E. — Supervisor Completing Form: (Print Name) | Emp #: [redacted] | Carey, Frank E. — Copy Provided to Employee by: | Emp #: [redacted]

Adams, Gregory L. — Unit Commander (Print Name) | Unit Commander's Signature: | Emp #: | Date

DISCOVERY Use Only

FO# 2207442

Original: Discovery Unit
Copy: Unit Commander

SH-R-438P(Rev. 11/04)

Supervisor's Report on Use of Force
SUSPECT INFORMATIOI

URN: 507-01339-5800-505

Suspect Information

S 1

Last Name	Curtis	First Name	Keith	Middle Name	Darnell
AKA Last Name	Curtis	First Name	Keith	Middle Name	Donelle

Sex: ☒ Male ☐ Female | Race: B | Street Address: [redacted] | City: [redacted] | State & Zip Code: [redacted]

Work Phone: | Home Phone: [redacted] | Age: 45 | Height: 507 | D.O.B. 4/22/67 | Weight: 146 | Armed? ☐

Booking #: 9905663 | Primary Charge Code: 273.5 PC | Secondary Charge Code: 11350 H&S | Criminal History [redacted]

EMT in attendance? ☐ YES ☒ NO Name: ____ Unit: ____ Phone #: ____

EMT's Statement:

Hospital Admission? ☒ Rec'd Treatment At: L.C.M.C. Coroner Case #: ____ Mental History ☒

By Doctor: ____ Address: ____ Phone #: ____

Doctor's Statement: Tower I Clinic Nurse Wanida Nidataruedi [redacted] treated Curtis for a superficial cut to the right forehead, lacerated inside lower lip, complaint of pain to right arm and left leg and swollen nose. Curtis was transported via radio car to L.C.M.C. @ 1930 Hrs, 10/25/07. *UPD. 10/26/07-0800 L.C.M.C. contacted by Sgt. Carey and advised Curtis suffered from facial fractures.

Under Influence: ☐ YES ☒ NO Substance: ____ Photos of Suspect's Injuries ☒ YES ☐ NO

Date: 10/25/07 | Time: 1258 | Audiotape: ☐ | Videotape: ☒

Statement: Videotape

Statement continue: ☐

S_

Last Name		First Name		Middle Name	
AKA Last Name		First Name		Middle Name	

Sex: ☐ Male ☐ Female | Race: | Street Address: | City: | State & Zip Code:

Work Phone: | Home Phone: | Age: | Height: | D.O.B. | Weight: | Armed? ☐

Booking #: | Primary Charge Code: | Secondary Charge Code: | Criminal History ☐

EMT in attendance? ☐ YES ☐ NO Name: ____ Unit: ____ Phone #: ____

EMT's Statement:

Hospital Admission? ☐ Rec'd Treatment At: ____ Coroner Case #: ____ Mental History ☐

By Doctor: ____ Address: ____ Phone #: ____

Doctor's Statement

Under Influence: ☐ YES ☐ NO Substance: ____ Photos of Suspect's Injuries ☐ YES ☐ NO

Date: | Time: | Audiotape: ☐ | Videotape: ☐

Statement: Force Memo, same file

Statement continue: ☐

Supervisor's Report on Use of Force
EMPLOY(/ NON-EMPLOYEE INFOF ATION

URN: 507-01339-5800-505

Employee Witnesses

Emp. #	Last Name	First Name	Middle Name
[redacted]	Ben-Sahile	Bensobhi	S.

Statement: Force Memo, same file

Statement continue: ☐

Emp. #	Last Name	First Name	Middle Name

Statement:

Statement continue: ☐

Non-Employee Witnesses

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Work Ph.	Home Ph.

Statement:

Statement continue: ☐

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Work Ph.	Home Ph.

Statement:

Statement continue: ☐

Supervisor's Review

Brief Synopsis:

Deputies submitted a psychiatric / behavioral referral to the TTCF Metal Health staff (MHS) after Inmate Keith Curtis became disruptive and confrontational in Module 142 (mental observation). MHS okayed a move to acute mental observation in Module 172 (7th floor). Curtis is an [redacted]

Deputies E. Espinoza, J. Jackson and A. Ben-Sahile escorted Curtis, handcuffed behind his back, to the Module and preassigned cell A-16. When the cell door was opened, the deputies pre-briefed that I/M Curtis would be ordered to his knees to minimize risk when the handcuffs were removed.

When Deps Espinoza, Jackson and I/M Curtis made their way into the cell the order was given to Curtis kneel on the floor. Curtis responded by turning around and kicking out at Espinoza and Jackson repeatedly, striking Espinoza in the right calf and Jackson's left thigh. They immediately wrestled him around and forward, taking him to a metal desk embedded in the wall. Curtis struck the desk on his way down. He suffered a superficial cut to the right forehead, lacerated inside lower lip, a contusion to the left eyebrow area, swollen nose and a complaint of pain to the right cheek and left arm. He was treated at TTCF clinic and later transported to LCMC. Deputies Espinoza and Jackson did not sustain any noticeable injuries.

Appropriate notifications to supervisors were made.

The next morning, October 26, Sergeant Carey learned from LCMC staff that Inmate Curtis had sustained a fractured nose and right cheek.

Watch Commander Conclusion / Findings / Training Recommendation

Attachments: SH-R-49 / (1) Supplemental / Inmate Injury Report / Inmate Assault Load Sheet / Inmate Inquiry Forms / AM Shift In-Service

Supervisor's Report on Use of Force

URN: 507-01339-[illegible]600-505

Method

(AW) Arwen
(BC) Baton: (Control)
(BI) Baton: (Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds: (Control Techniques)
(TT) Control Holds: (Team Takedown)
(TD) Control Holds: (Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device: Hobble (Legs Only)
(TP) Restraint Device: Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hands
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(NO) Nose
(SH) Shoulder
(WR) Wrist

FORCE APPLIED

FORCE USED BY		FORCE USED AGAINST		Method (Code)	Type of Injury (Code)	Body Part (Code)
Name	E# or S#	Name	E# or S#			
Curtis	S#1	Espinoza	E#1	PK	NN	NN
Espinoza	E#1	Curtis	S#1	CT	FR	FA
Espinoza	E#1	Curtis	S#1	TD	FR	FA
Curtis	S#1	Jackson	E#2	PK	NN	NN
Jackson	E#2	Curtis	S#1	CT	FR	FA
Jackson	E#2	Curtis	S#1	TD	FR	FA
Jackson	E#2	Curtis	S#1	PH	NN	NN

Investigative Summary

Investigative Summary

Incident:	**Significant Use of Force**
Incident Date & Time:	**October 25, 2007, Thursday, 1220 hours**
LASD Report #	**507-01339-5800-505**
IAB File #	**FO 2207442**
Involved Inmate:	**Keith, Curtis, MB/42, Bkg. # 9905663**
Involved Deputies:	**Deputy Espinoza, Eric #[redacted]**
	Deputy Jackson, Jermaine W. #[redacted]



<u>Opening Statement:</u>
On October 25, 2007, at approximately 1512 hours, Sergeant Frank Carey of Twin Towers Correctional Facility (TTCF) notified the Internal Affairs Bureau (IAB) that deputies used significant force to control Inmate Keith Curtis.

Sergeant Carey provided preliminary information that Inmate Curtis was involved in a physical altercation with deputies. As a result of the fight, deputies pushed and pulled Inmate Curtis to the floor. Inmate Curtis sustained a superficial cut to his right forehead, a laceration to his lower lip, a contusion to his left eyebrow, and swelling to his nose. Inmate Curtis additionally complained of pain to his right cheek and left arm. At the time of the notification Inmate Curtis was being treated at the TTCF clinic. Inmate Curtis was subsequently transported to LCMC for additional observation and treatment.

On October 26, 2007, Sergeant Carey learned from the staff at Los Angeles County Medical Center (LCMC) that Inmate Curtis had sustained a nasal fracture, a fracture to the peri orbit of his left eye, the left zygomatic (left cheek) and nose.

<u>Synopsis</u>:
On October 25, 2007, Deputies submitted a psychiatric behavioral referral to the TTCF Mental Health staff (MHS) after inmate Curtis exhibited signs of being disruptive and confrontational. Inmate Curtis' Behavior Observation and Psychiatric Referral Report **(Refer to Exhibit C)** described Inmate Curtis as crying, showing signs of confusion, with rapid and continuous speech and rambling speech. Additional associated factors indicated that he should not be placed in general population and that he showed a fear of the custody environment. At the time Inmate Curtis was housed in Module 142 for mental observation. MHS authorized Inmate Curtis' transfer to Module 172 for acute mental observation and specified he be housed in a one man cell.

Deputies Espinoza, Jackson and Ben-Sahile escorted Inmate Curtis to his newly assigned cell, cell # A-16. Inmate Curtis was escorted in handcuffs, with his hands behind his back. Prior to the cell door being opened, deputies told Inmate Curtis that when they opened the cell door, he was to enter the cell and assume a kneeling position on the floor. The deputies planned on exiting the cell and removing Inmate Curtis' handcuffs through the slot on the cell door.

Deputies Espinoza repeated his earlier orders. He told Inmate Curtis to enter the cell and to kneel on the floor. Inmate Curtis suddenly turned to face the deputies and simultaneously began kicking at Deputy Espinoza and Jackson. Inmate Curtis kicked Deputy Espinoza on his right thigh and kicked Deputy Jackson on his left thigh.

The deputies immediately grabbed hold of Inmate Curtis and turned him away from them. Inmate Curtis continued to struggle and kick, as he tried to strike Deputes Espinoza and Jackson with his elbows. In order to control Inmate Curtis, Deputies Espinoza and Jackson used their body weight to push Inmate Curtis forward and to the floor. As the deputies pushed Inmate Curtis to the floor, his face struck the metal desk which is embedded in the wall of the cell.

Inmate Curtis sustained a superficial cut to his right forehead, a laceration to his lower lip, a contusion to his left eyebrow, a nasal fracture and a fracture to the left peri orbital and left zygomatic. Inmate Curtis additionally complained of pain to his right cheek and left arm. He was treated at the TTCF clinic and subsequently transported to LCMC for additional observation and treatment.

Deputies Espinoza and Jackson did not sustain any noticeable injuries. Deputy Ben-Sahile did not use any force in the incident and due to the close quarters, remained outside of the cell.

Involved Personnel:



Deputy Espinoza, Eric #[redacted] Twin Towers Correctional Facility
Deputy Jackson, Jermaine W. #[redacted] Twin Towers Correctional Facility

Witness Only:



Deputy Ben-Sahile, Bensobhi #[redacted] Twin Towers Correctional Facility

Deputies who used Force:



Deputy Espinoza, Eric #[redacted] Twin Towers Correctional Facility
Deputy Jackson, Jermaine W. #[redacted] Twin Towers Correctional Facility

Employee History:

Deputy Espinoza, Eric

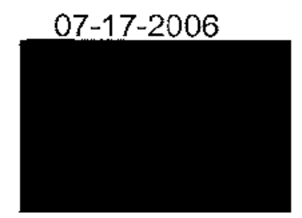
Date of Employment 07-17-2006

Current Assignment Date

Completed Patrol Training

Prior Shooting Incident(s)

Prior Founded Force Incidents


[redacted]

Deputy Jackson, Jermaine W.

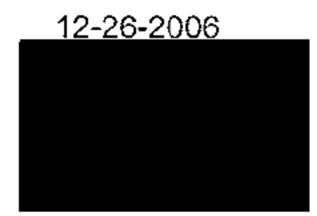
Date of Employment 12-26-2006

Current Assignment Date

Completed Patrol Training

Prior Shooting Incident(s)

Prior Founded Force Incidents


[redacted]

Deputy Ben-Sahile, Bensobhi

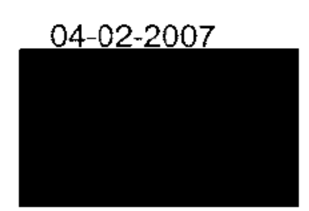
Date of Employment 04-02-2007

Current Assignment Date

Completed Patrol Training

Prior Shooting Incident(s)

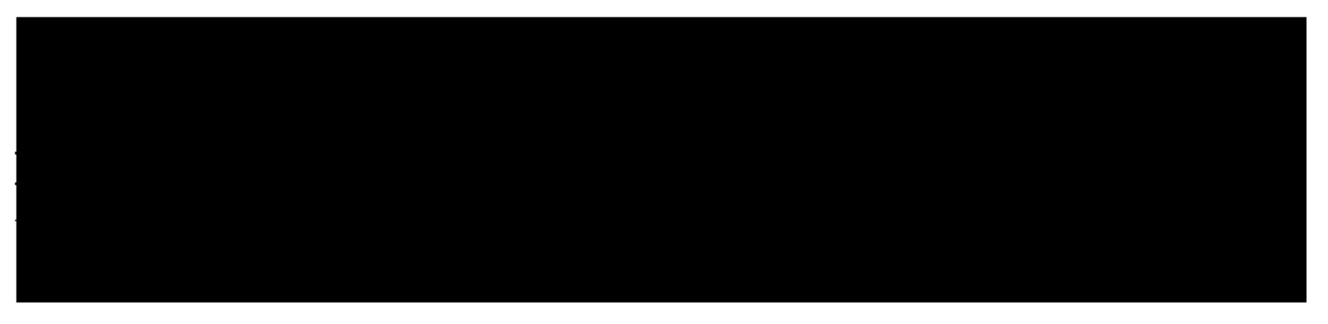
Prior Founded Force Incidents


[redacted]

Inmate / Suspect:

Curtis, Keith, Bkg. # 9905663, MB/ DOB 04-22-1962

C.I.I. [redacted] **Main #** [redacted] **FBI #** [redacted]


[redacted]

Injuries:

Inmate Curtis suffered a nasal fracture, a fractured to his left peri orbital and left zygomatic. He also suffered a contusion to his right ribs and shoulder. **Refer to Exhibit B** for additional information.

Physical Evidence:
No physical evidence was collected. Approximately 24 hours had passed before TTCF was notified by LCMC that Inmate Curtis has sustained fractures during the altercation.

Investigators' on Scene Observations:
None

Charges Filed:
At the time of the incident, Inmate Curtis was in custody for [redacted] Due to Inmate Curtis' mental condition and the fact that neither of the deputies were injured, no additional charges were brought against him.

Involved Deputy Statements:

Deputy Espinoza, Eric
Deputy Espinoza was interviewed on October 27, 2008, at the Internal Affairs Bureau Office in Commerce. Deputy Espinoza said he, Deputy Jackson and Deputy Ben-Sahile escorted Inmate Keith Curtis from module T-142, to module T-172. Deputy Espinoza said the Mental Health Staff (MHS) of TTCF requested that Inmate Curtis be transferred to module T172 for acute mental observation. Earlier in the day a TTCF MHS worker diagnosed Inmate Curtis as delusional and aggressive toward other inmates. Deputy Espinoza said Inmate Curtis had been shouting at other inmates and that the MHS deemed Inmate Curtis as unfit for the general population of module T-142. (**Refer to Exhibit E**, Inmate Discipline Report, dated 10/25/07 under Ref # 5800-2007-1025-003).

Deputy Espinoza said Inmate Curtis appeared agitated and tense during the escort. Deputy Espinoza said that Inmate Curtis seemed to ramble on. He said Inmate Curtis constantly flexed his arms and tried several times to alter his course, but never challenged or threatened him or his fellow deputies. He said as they were escorting him, Curtis became verbally abusive and directed a string of profanities at them. Deputy Espinoza said he told Inmate Curtis to relax and that Inmate Curtis would calm down for a short period of time and then begin again. He said he tried to get Inmate Curtis to relax, telling him that the doctors would see him when they arrived on the 7th floor.

Deputy Espinoza said that he had witnessed many of the inmates at TTCF act in a similar manner as Inmate Curtis was acting and did anticipate Inmate Curtis becoming assaultive when it came time to un-cuff him. He said prior to moving Inmate Curtis, he followed unit policy and notified Senior Deputy Woods.

Deputy Espinoza said upon arriving at module T-172, they (he and Deputy Jackson) walked Inmate Curtis to his cell (A16) and instructed him to step in. Deputy Espinoza said Inmate Curtis complied and walked into the cell. Deputy Espinoza said he told Inmate Curtis to face the wall, get on his knees and stay there until he (Espinoza) and Deputy Jackson exited the cell. He said he told Inmate Curtis that once the deputies exited the cell, they would remove his handcuffs through the tray slot on the door. Deputy Espinoza said this procedure is common practice when dealing with any inmate who has demonstrated resistive or potential assaultive behavior. He said it allows the deputy(s) to exit the cell, without turning their back on the inmate or having the inmate charge them.

Deputy Espinoza said they planned on exiting the cell and then removing Inmate Curtis' handcuffs by utilizing the tray slot of the door. Deputy Espinoza said he and Deputy Jackson followed Inmate Curtis into the cell. He said he held onto Curtis' left wrist with his right hand and that Deputy Jackson was to his right. He said they stopped in between the edge of the bottom bunk and the toilet. He said Deputy Jackson then backed up and stood just inside of the open door.

Deputy Espinoza said he told Inmate Curtis to get on his knees. He said Curtis appeared to comply, and bent slightly forward as if going to his knees. He said Curtis then abruptly straightened up, turned around and kicked wildly with at him with his left foot. Deputy Espinoza said Inmate Curtis kicked him in his right calf and shin.

He said that due to the close proximity of I/M Curtis, he didn't have time to use his O.C. (Oleoresin Capsicum) spray. Deputy Espinoza said the cell is designed as a single man cell and that the bunk and table, made it difficult to maneuver Inmate Curtis away from them or to back out of the cell without risking further attack.

Deputy Espinoza said he grabbed Inmate Curtis by his right arm and tried to turn him around so he could get him in a rear wrist lock. He said Inmate Curtis swung his body violently from left to right. He said he shouted at Curtis to stop fighting. He said he was able to grasp Inmate Curtis' shirt collar (jail uniform) with his right hand and Curtis' left wrist with his left hand. Deputy Espinoza said he was unable force him to the ground because the top bunk was behind them and the right cell wall was in front of them. Deputy Espinoza said he was off balance and was yelling at Inmate Curtis to stop fighting. He said Inmate Curtis yelled back, "Fuck you motherfucker, you ain't shit!, I ain't going to no hole"

> **IAB Note:** It appears from this statement and from his interview with the TTCF Watch Commander, Inmate Curtis has spent what he believed to be a considerable amount of time in the "hole," and for reasons that are fabricated by the deputies. It appears that Inmate Curtis believed he was again being placed in the "hole."

Deputy Espinoza said when Inmate Curtis began fighting, Deputy Jackson stepped back into the cell and attempted to gain control of Inmate Curtis, who had turned toward the rear of the cell. Deputy Espinoza said they used Inmate Curtis' own momentum to force him to the floor.

He said as they were trying to get him to the floor, Inmate Curtis struck his face on a metal desk that was secured to the wall at the back of the cell. Deputy Espinoza said that Inmate Curtis striking his face was unintentional and that they were just trying to restrain him to keep from injuring them.

Deputy Espinoza said Inmate Curtis finally stopped fighting but, but kept his body rigid with his biceps flexed close to his body. Deputy Espinoza said Deputy Jackson helped him control Inmate Curtis without further incident. He said that Deputy Jackson, Deputy Ben-Sahile and he stood Inmate Curtis up and walked him to the indoor staging area. He said they notified Senior R. Wood of the incident and who responded forthwith.

Deputy Espinoza said I/M Curtis was transferred to the Tower I Clinic and had to be restrained on a gurney by four deputies when he lashed out with his feet, screaming that he (Deputy Espinoza) was doing crystal methamphetamine and that deputies were out to get him.

Deputy Jackson, Jermaine W.

Deputy Jackson was interviewed on October 16, 2008, at the Internal Affairs Bureau Office in Commerce. Deputy Jackson said on October 25, 2007, he, Deputy Espinoza and Deputy Ben-Sahile escorted Inmate Curtis from module T-142 to module T-172. Deputy Jackson said Inmate Curtis was transferred from module T-142 so that he could receive closer observation by the TTCF Mental Health Staff (MHS). Deputy Jackson said the recommendation was made by MHS after Inmate Curtis was observed displaying abusive behavior toward deputy personnel, clinic nurses and fellow inmates. Deputy Jackson said Inmate Curtis was handcuffed with his hands behind his back prior to leaving module T-142 and was not confrontational toward him or his fellow deputies.

Deputy Jackson said that while on the elevator to module T-172 I/M Curtis became upset and told them, "this is bullshit" and "fuck you." He said Deputy Espinoza told I/M Curtis to quiet down and relax. Deputy Jackson said Inmate Curtis continued to talk and curse at them.

Deputy Jackson said when they arrived at module T-172, they walked Inmate Curtis directly to A Pod, Cell 16. Deputy Jackson said Deputy Espinoza instructed Inmate Curtis to step into the cell. Deputy Jackson said Inmate Curtis stepped into the cell and faced the right wall of the cell. He said he and Deputy Espinoza followed behind Inmate Curtis. Deputy Jackson said Deputy Espinoza was holding on to Inmate Curtis' wrist as he (Jackson) stood to the right of Deputy Espinoza. Deputy Jackson said Deputy Espinoza then ordered Inmate Curtis to get down on his knees.

Deputy Jackson said he backed out of the cell and stood at the open doorway. He said when he did, Inmate Curtis tensed up and began turning violently and swinging his arms and shoulders. He said Deputy Espinoza shouted to Inmate Curtis to stop fighting. Deputy Jackson said he reentered the cell and grabbed Inmate Curtis with both of his hands by grabbing Inmate Curtis' right shoulder and right arm. Deputy Jackson said he and Deputy Espinoza forced Inmate Curtis forward and pinned him faced down onto the cell desk.

Deputy Jackson said Inmate Curtis back was facing him and Inmate Curtis kicked him (Jackson) in his left thigh. Deputy Jackson said he punched Inmate Curtis four times in the back and yelled at him to stop kicking. Deputy Jackson said he noticed blood on Inmate Curtis' face, which he believed was caused when Curtis struck the cell desk. Deputy Jackson said Inmate Curtis stopped fighting a few seconds later.

Deputy Jackson said Inmate Curtis was removed from the cell and placed on a day room seat inside A- Pod without further incident. He said Senior R. Wood was notified and responded.

Deputy Jackson said he, Deputy Espinoza, Ben-Sahile and Senior Wood, escorted Inmate Curtis to Tower One Clinic where he was treated for his injuries. Deputy Jackson said Inmate Curtis had to be restrained by four deputies in the clinic as he attempted to kick the nurse who was attempting to treat him. Deputy Jackson said Inmate Curtis was screaming that Deputy Espinoza was on methamphetamine and that the deputies were out to get him.

Deputy Ben-Sahile, Bensobhi

Deputy Ben-Sahile was interviewed on October 21, 2008, at the Internal Affairs Bureau Office in Commerce. Deputy Ben-Sahile said on October 25, 2007, he, Deputy Espinoza and Deputy Jackson escorted Inmate Curtis from module T-142 to module T-172.

Deputy Ben-Sahile said Inmate Curtis was being transferred to module T-172 for mental observation. Deputy Ben-Sahile said they walked Inmate Curtis to the elevators and he observed Inmate Curtis appeared to be very upset. Deputy Ben-Sahile said that during the escort, he heard Inmate Curtis cursing and using profanities.

Deputy Ben-Sahile said when they arrived at module T-172, he followed Deputy Espinoza and Deputy Jackson through A-Pod day room into cell #16. He said Inmate Curtis went into the cell first escorted by Deputy Espinoza and followed by Deputy Jackson. Deputy Ben-Sahile said because of the size of the cell, he remained standing outside the door.

Deputy Ben-Sahile said he saw Inmate Curtis facing to the right wall of the cell. He then heard Deputy Espinoza give Inmate Curtis commands to get down to his knees. Deputy Ben-Sahile he saw Inmate Curtis swinging his arms and kicking his feet at Deputy Espinoza and Deputy Jackson.

Deputy Ben-Sahile said he remained outside the cell and saw Deputy Jackson move forward toward Inmate Curtis and strike Inmate Curtis in the back with his fist. Deputy Ben-Sahile said both Deputy's Espinoza and Jackson pushed Inmate Curtis forward and pinned him down on the metal desk inside the cell. Deputy Ben-Sahile said he entered the cell and stood behind Deputy Jackson in a position of support until Inmate Curtis stopped struggling. Deputy Ben-Sahile said Inmate Curtis walked out of the cell with Deputy Jackson and Deputy Espinoza holding Inmate Curtis' arms without further incident.

Deputy Ben-Sahile said the incident was over very quickly and that because of the small size of the cell, he didn't have a clear view of the incident. He said he remained near the door, because he felt he would be more in the way, not allowing the deputies the room they need to control Inmate Curtis. Deputy Ben-Sahile said it wasn't until Inmate Curtis was seated in the pod day room that he noticed that Inmate Curtis was bleeding from the mouth. Deputy Ben-Sahile said he did not use any force during the incident.

Deputy Ben-Sahile said Senior Wood was notified and soon after accompanied him, Deputies Espinoza, Jackson and Inmate Curtis to the Tower one clinic where he was treated for his injuries. Deputy Ben-Sahile said he then left them in the clinic and returned to my duties in Module T-142.

Suspect Statements:

On October 25, 2007, at approximately 1258 hours, Inmate Curtis was interviewed on camera by the TTCF Watch Commander, Lieutenant Cynthia Conner and Sergeant Frank Carey.

Inmate Curtis said, "Deputy Espinoza took me up in handcuffs, threw me down to the ground, stepped on my left calf, socked me in my kidney and slammed me head first into the table." Inmate Curtis said Deputy Espinoza then took him into the day room, where he again slammed his head into the table. Inmate Curtis said that when Deputy Espinoza assaulted him there were no other deputies present. Inmate Curtis said that he did nothing to provoke the attack and that he always complies with orders.

Inmate Curtis related that at approximately 0530 hours this date, Deputy Espinoza pulled him out of the lab line, pushed him against the wall and pulled his arm behind up his back. Inmate Curtis said this occurred after he told Deputy Espinoza he would get better results if he stopped cursing at the inmates. (**Refer to Exhibit E**, Inmate Discipline Report, dated 10/25/07 under Ref # 5800-2007-1025-003).

Inmate Curtis said that the mental health staff has labeled him delusional, because they don't believe that he lives half of the time in the United States and the other half of his time he spends in Europe. Inmate Curtis said that he has never been beat up in jail before, however he does spend a lot of the time in the hole and that the deputies are always lying about him.

Inmate Curtis said that Deputy Espinoza is completely out of control.

> **IAB Note:** The Behavioral Observation and Psychiatric Referral form which triggered his evaluation by MHS and his transfer to Module T-172 was initiated by Deputy T. Johnson. The form among other things listed Inmate Johnson as having fear of the custody environment.